

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

***Wednesday, December 10, 2003
9:00 a.m.***

Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California
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The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, November 26, 2003, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, December 3, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, November 26, 2003.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: November 12, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Item:

5. Waste Discharge Requirements: County of San Diego, San Marcos Landfill, San Diego County (tentative Order No. R9-2003-0003) (*Carol Tamaki*)

Remainder of the Agenda (Non-Consent Items):

6. NPDES Permit Reissuance: Waste Discharge Requirements for the City of Escondido, Hale Avenue Resource Recovery Facility, Intermittent Wet Weather Discharge to Escondido Creek, San Diego County (tentative Order No. R9-2003-0394, NPDES Permit No. CA0108944) (*Bryan Ott*)
7. **PUBLIC HEARING:** Modification to Cease and Desist Order No. R9-2003-0086 Against the City of San Diego for the San Diego Convention Center Groundwater Extraction Discharge to San Diego Bay to Establish Compliance with Waste Discharge Requirements Order No. R9-2003-0050, NPDES No. CA0109029 (tentative Addendum No. 1 to Cease and Desist Order No. R9-2003-0086) (*Sherrie Komeylyan*)
8. **PUBLIC HEARING:** Receive public testimony on a Resolution to adopt an amendment to the Water Quality Control Plan for the San Diego Region to incorporate a Total Maximum Daily Load (TMDL) for Dissolved Copper in Shelter Island Yacht Basin, San Diego Bay. The Regional Board will conduct the Public Hearing today, but will take no action. The Regional Board will consider adoption of tentative Resolution No. R9-2004-0002 no earlier than February 2004. (*Lesley Dobalian and Christina Arias*)
9. ***Executive Session*** - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (David Hanson); and the related "Surfrider" case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS) (David Hanson)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (David Hanson); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (David Hanson)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (Frank Melbourne)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (Phil Hammer)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 81971; Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements. (Frank Melbourne)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (Paul Richter)

10. *Executive Session* - Consideration of Initiation of Litigation
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
11. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
12. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
13. Arrangements for Next Meeting and Adjournment
Wednesday, February 11, 2004 - 9:00 a.m.
Rancho California Water District
District Board Room
42135 Winchester Road

Temecula, California

Notifications

- A. Notification of Final Corrective Action Plan for Former UST Site 14013 (petroleum contaminated site), Marine Corps Base Camp Pendleton (*Beatrice Griffey*)
- B. City of Oceanside, Oceanside Ocean Outfall: Notice of 30-day Comment Period for Settlement of Civil Liability Complaint No. R9-2003-0387
On October 10, 2003, the Executive Officer issued Complaint No. R9-2003-0387, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$9,000, against the City of Oceanside for violation of effluent limitations established by Order No. 2000-11, *NPDES Permit No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall*. On November 3, 2003, the City of Oceanside waived its right to a hearing and settled in full payment of the assessment of civil liability proposed in the Complaint. Interested Parties may comment on this settlement during the 30-day comment period ending on December 21, 2003. The Regional Board will consider whether to accept settlement of this matter at its scheduled February 11, 2004 meeting. Complete details of the proposed settlement can be found on the Regional Board web site or by contacting Rebecca Stewart of the Regional Board at (858) 467-2966 or stewr@rb9.swrcb.ca.gov.
- C. Fifth Avenue Condos, LLC, Trellis Project: Notice of 30-day Comment Period for Settlement of Civil Liability Complaint No. R9-2003-0375
On October 15, 2003, the Executive Officer issued Complaint No. R9-2003-0375, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$6,000, against Fifth Avenue Condos, LLC for violation of effluent limitations established by *Order No. R9-2000-0090, NPDES No. CAG919001, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto*. On November 7, 2003, Fifth Avenue Condos, LLC waived its right to a hearing and settled in full payment of the assessment of civil liability proposed in the Complaint. Interested Parties may comment on this settlement during the 30-day comment period ending on December 21, 2003. The Regional Board will consider whether to accept settlement of this matter at its scheduled February 11, 2004 meeting. Complete details of the proposed settlement can be found on the Regional Board web site or by contacting Frank Melbourn of the Regional Board at (858) 467-2973 or melbf@rb9.swrcb.ca.gov.
- D. Corrective Action Plan for Leaking Underground Fuel Tank site ARCO #3012, 27641 Ynez Road, Temecula. On November 17, 2003 Regional Board received a Corrective Action Plan (CAP) that addresses soil and ground water polluted by an unauthorized release of petroleum products from underground storage tanks at the site. The CAP proposes mitigation by using air sparging with soil vapor extraction, and pump-and-treat to reduce petroleum hydrocarbon concentrations in soil and ground water. The case files, site investigation reports, and the CAP are available for public review by submitting a file review request to the Regional Board office. This public notice fulfills the Regional Board's obligation to inform the public of the proposed activities contained in a CAP as required by California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, Section 2728(a). (*Jody Ebsen*)

DIRECTIONS TO REGIONAL BOARD MEETING

**Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego**

From Downtown: **I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.**

From the North: **I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.**